

United States District Court  
Northern District of New York

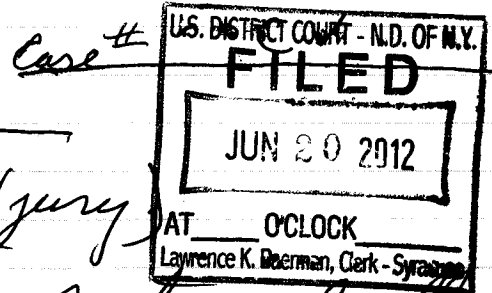
2nd Attached  
Complaint  
incident

Jessie C. Engles Plaintiff(s)

vs.

C.O. Ryan Rugarie, et al  
Defendant(s)

9:12-CV-1001  
Annate Civil  
Rights Complaint  
Pursuant to  
42 U.S.C. § 1983



Plaintiff demanded a trial by jury  
as follows: Plaintiff(s) in the above-captioned, allege  
jurisdiction

① This is a civil action seeking relief &/or damages to defend and protect the rights which are guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343 (3) and (4) and 2201.

Parties

2. Plaintiff: Jessie Christopher Engles  
Address: Marcy Correctional Facility (RMH4)  
P.O. Box #3600 9000 Old River Road.  
Marcy, N.Y. 13403

3. Defendant: Ryan Rugarie  
Official Position: Correction Officer  
Address: Marcy Correctional Facility  
(P.O. Box #5000) 9000 Old River Road.  
Marcy, N.Y. 13403

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Defendant: Ms. Teri Thomas Kozak  
official position: Inmate Grievance  
Program Supervisor  
Address: Marcy Correctional Facility (RMH4)  
(P.O. Box # 5000) 9000 Old Kings  
Road - Marcy, N.Y. 13403

Defendant(s) Brian H. Dougherty  
official position: Registered nurse  
Address: Marcy Correctional Facility (RMH4)  
(P.O. Box 3600)  
Marcy, N.Y. 13403

Defendants: Heather L. Sypolt  
official position: R.N.  
Address: Marcy Cor. Facility P.O. Box #3600  
Marcy, N.Y. 13403  
~~Defendant(s)~~

Defendant: David M. Murphy  
official position: Cor. Officer

Address: Marcy Cor. Fac.  
(P.O. Box #3600) (RMH4)  
Marcy, N.Y. 13403

Defendant: Dr. Tarago, J  
official position: Dr. for OMH Psych Trust  
for Marcy Cor. Facility (RMH4)  
and C.N.Y.P.C.  
Address: Marcy Correctional Facility  
(P.O. Box #3600) (RMH4)  
Marcy, N.Y. 13403

Defendant: Ms. Lauren McMahon  
official position: Psychologist for OMH  
Address: Marcy Cor. Fac. (RMH4)  
(P.O. Box #3600)  
Marcy, N.Y. 13403

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Defendants: Lawrence M. Tamburino  
Official position: Correction Officer  
Address: Marcy Correctional Facility  
(P.O. Box #5000) 9000 Old River Road  
Marcy, N.Y. 13403

Defendant: Brian J. Loomis  
Official position: Correction Officer  
Address: Marcy Cor. Facility  
P.O. Box 3600, 9000 Old River Road  
Marcy, N.Y. 13403

Defendants: James C. Hoffman  
Official position: Correction Officer  
Address: Marcy Cor. Facility  
P.O. Box #5000 9000 Old River Road.  
Marcy, N.Y. 13403

Defendant: Michael E. Barnett  
Official position: Correction Officer  
Address: Marcy Cor. Facility  
P.O. Box #5000 (9000 Old River Road)  
Marcy, N.Y. 13403

Defendant: Heather L. Sybolt  
Official position: Nurse  
Address: Marcy Cor. Fac.  
(P.O. Box #5000) 9000 Old River Road  
Marcy, N.Y. 13403

Defendant: Bryan Hilton  
Official position: Deputy Supt. of Mental Health  
Address: Marcy Cor. Fac.  
(P.O. Box #5000) 9000 Old River Road  
Marcy, N.Y. 13403.

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Defendant: Joseph Bellries  
official current position: Deputy Commissioner of  
Correctional facilities for  
DOCCS, but at the time  
of this incident, he was  
the Superintendent of  
marcy, corr. fac. (RMH)

Address: new york state  
Department of Correctional & Community  
Supervision. The Hariman State  
campus - Building #2  
1220 Washington Ave.  
Albany, N.Y. 12226

Defendant: Maureen E. Boll  
official position: Deputy Commissioner & Counsel  
for DOCCS.  
Address: 1220 Washington Ave.  
Albany, N.Y. 12226

Defendant: Lisa Kales  
official position: Chief unit forensic of  
Office of Mental Health  
Address: Marcy Correctional facility  
(P.O. Box #5000) 9000 Old River Road.

Defendant: Angela R. DeForest  
official position: Correction offices clerk.  
Address: Marcy Correctional facility  
(P.O. Box #3600)  
marcy, N.Y. 13403

And I preserved the right to include  
other John Doe or Jane Doe defendants, presently  
unknown at this time.

Defendant: Sean Wiggins  
official position: Correction office  
marcy, corr. fac. (P.O. Box 5000)  
marcy, N.Y. 13403  
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#### (4) Place of Present Confinement

a. Is there a prisoners grievance procedures at this facility? (yes)

b. If your answer to 4a is yes, did you present the facts relating to your complaints in this grievance program? (yes)

(i) What steps did you take? I exhausted all my administrative remedies regarding all issues stated in this 1983 claim, which I filed numerous of grievance complaints to I.G.R.C. office & appealing them all the way to C.O.R.C. office.

(ii) What was the final result of your grievance? most was wrongfully denied, and other was granted in part, yet no affirmative actions was taken to address or prevent these incidents from taking place again.

4.(c)(i) I also wrote to I.G. office, Prisoners rights projects, Disability advocate inc., prisoners legal services, OMH, & CNRPC. etc.

(ii) What was the final results regarding such complaint, none took any affirmative actions to address this issues from happening thus I was wrongfully denied.

#### 5. Previous Lawsuits

a. Have you ever filed any other lawsuit in any other state & federal courts relating to your imprisonment? (yes)

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## Statement of facts

The Post office address of claimant here in is marcy Correctional facility, (RMT4) P.O. Box 3600, Marcy, N.Y. 13403.

This place where, time, when & nature of the claim is as followed: From, Oct. 10, 2011, through present, upon information and belief C.O. Ryan Rugari, C.O. Sean Wiggins along with other unknown correction officers tampered with my mail with the knowledge of Supr. of OMT, Hilton, JDP Supervisor etc, whom failed to correct this unlawful practices of his subordinates in a timely fashion.

(2) The mail alleged in ¶ 1 to have been tampered with which includes mail to: the Commissioners of the Dept. of Cor. & Community Supervision, Superintendent, Past & Current of Marcy Correctional facility (RMT4), Teri Thomas Rozak, Marcy Cor. fac. of Inmate Grievance Program Supervisor, Maureen L. Sell (Deputy Commissioner & Counsel of DOCCS) & Lisa Kallies, Chief, unit forensic of OMT for Marcy Cor. fac. to the Attorney General of the State of New York. The Court of Claims of the State of New York, various Attorney & Counselors at Law, various businesses and vendors as well as my sisters & Brother etc, etc.

(3) The incident describe in ¶ 1 & 2 deprive me of my state & federal constitution rights & State created liberty interests of access to the Courts, which petitioning the Government for redress of grievances, freedom of ~~association~~ association, expression & speech & have lead to interruption with family contact leading to emotional trauma & inability to file complaint & answers with the Courts in a timely manner.

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4). On October 7, 2011, I was denied lunch by correction officials, with the knowledge of the correction officials, with the knowledge of the correction officials, with the knowledge of the correction sergeant whom failed to correct the unlawful practice of his subordinates, C.O. Temple denied me my hour of outdoor recreation. Either C.O. Ryan Ruzari, or C.O. Sean Wiggins, closed my cell shield without due cause & both C.O. Ruzari & C.O. Wiggins, harassed me by threatening to kill me and falsify criminal charges against me & to instigate inmate Stephen Fox Din #06A0135 to assault & battery me & whose cell they opened with mine, with neither of us in restraints or under escort or close supervision.

(5) On October 13, 2011, C.O. Ruzari, harassed me, during & prior my cardiac medical emergency, & exercised undue influence on staff of the office of mental health and medical staff / nursing personnel of DOCC2. Furthermore, upon information & belief C.O. Ruzari conducted an unauthorized cell frisk & stole & destroyed my magazines & cosmetics & smoked ~~at least~~ at least one cigarette in my cell (leaving ashes) Although I am asthmatic.

(6) On November 7, 2011 & December 2, 2011 I was set up with false / fabricated negative informational reports, by unknown prison officials.

(7) Although the dates & incident mentioned in 97974 to -6- are the most substantial there was countless other occurrences of on & off harassment from approximately August, 2011 to the present & even prior to those dates listed here in. Which regards other incidence filed in other notice of intentions with the Attorney General officers.

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(8) - upon information & belief, the actions, describe in 9191 4-to-7 are a pattern of retaliation against me for administrative action taken by me as a result of prior assault where I was pressed by staff not to pursue Court actions & litigation.

(9) As a result of the mis-conduct listed in 9191 4-to-5 I was subjected to illegal continue of 844 confinement (as a result of falsified misbehavior reports, or the denial of procedural due process rights at Disciplinary hearing which was rigged by DOCCS & OMH staff misconduct & harassment, deprived of disciplinary time cuts, based on false informational ~~and~~ reports.) loss / theft of personal property, books, magazines, cosmetics etc, as well as my mental deterioration, stressed domestic relation and delayed advancement or inability to advance ~~in~~ in programs.

Count III Inadequate medical and mental Health Treatment Care

(10) Commencing September 18, 2011, through presently, while at Sullivan Corr. Fac (RCTP) and continue at Marcy Correctional facility (Residential mental Health unit) I was deprived of all medications prescribed by mental Health psychiatrist as well as Dr. Farago, leading to the mental deterioration, paranoia, suicidal ideation, episodes of anger, depression & increased impulsiveness which resulted in additional misbehavior.

(11) Prior to & since Sept. 20, 2011 I was deprived of private interviews with my primary Therapist & Psychiatrist as well as attendance at OMH programs / where as some interfered with my right to receive adequate mental Health treatment provided as a result of my belief that I am being taken advantage of.

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as a mental Health patient.

(12) On October 13, 2011, Brian Doherty RN after being instigated & influence by correctional officers verbally abused me, denied me medical examinations, use of force pictures & treatment for injuries following a use of force incident, which interfered with my right to receive care & treatment (from members of my treatment team) in full respect to my dignity & personal integrity pursuant to the Article 33 of the N.Y.S. Mental Hygiene Law, deprived me of my rights to receive adequate medical care & treatment & led to pain & mental anguish.

(13) On October 13, 18, 20, & 30 of 2011 as well as November 8 & 15 of 2011 various unknown employees of the Dept. of Corr. & Community Supervision (DOCCS) As well as nurse Sybolt RN denied me access to those sick call slips, which was seeking X-Rays for a serious medical condition sustained from an assault & battery inflicted upon me by C.O. Ruzari, on Oct. 13, 2011 & where as this conduct led to unnecessary pain & physical suffering & deprived me of adequate medical care.

(14) Based on information & belief the action described in 9191 13, occurred to cover up an assault & battery upon my person.

(15) On & off since the month of November, Doherty RN, Sybolt RN & others unknown nurses have been passing my cell refusing me & my pain medication by not offering it to me, during their med rounds on the 7-3 Shift & the 3-11 Shift, which led to pain & inadequate treatment.

#### Count IV Excessive force

(16) On October 13, 2011 Correction officer Ruzari & C.O. Murphy utilized excessive force during a use of force incident by assault, - Continued on the next page - (8 of 12)

~~me~~ and battering me, leading to a possible fracture  
finger, numerous lacerations & contusions which  
were not treated as mentioned elsewhere in this  
documents

17) . on October 6, 2011, Correction Officer  
Serrano & Barber, utilized excessive force  
while trying to regain there hand cuffs leading  
to causing swelling.

I declare under penalty of perjury that  
the foregoing is true & correct, & that I place this  
notice of intention in the mail box to be mail  
by certify mail to the Attorney General Office  
on Dec. 27, 2011 and I've ~~and~~ submitted  
this herein 42 U.S.C. 1983 motion Notarized as  
stated below: dated: June 8<sup>th</sup> 2012 Jessie Engel

Sworn to before me this  
8<sup>th</sup> day of June 2012

Brent L. Rogers  
Notary Public

BRENT L. ROGERS  
Notary Public in the State of New York  
Qualified in Madison County 01RO6202020  
My Commission Expires March 9, 20 13

cc: filed/J.E.

Sincerely,  
Jessie C. Engel  
Plaintiff/Pro Se.

Marcy Correction Facility  
P.O. Box #3600  
marcy, n.y. 13403

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## Causes of Action

note: you must clearly state each cause of action you assert in this lawsuit.

### First Cause of action

1) Defendants violated Plaintiff his 1<sup>st</sup> Amendment rights to freedom of speech & the right to petition the Government for a redress of grievances as set forth in the Statement of facts, and for retaliation by both DCCC & OMH staff which amount to Harassment and misconduct of Plaintiff, state and federal constitutional rights

### Second cause of action

2) Defendants violated Plaintiff 8<sup>th</sup> amendment rights of cruel & unusual punishment, by the use of excessive force & denial of Plaintiff fundamental constitutional rights protected by federal law & state laws, as set forth in the statement of facts.

### Third cause of action

3) Defendants violated Plaintiff 14<sup>th</sup> amendment rights of the Due Process clause, as stated in the statement of facts clause, as stated in the statement of facts, as well as Plaintiff rights under the American Disability Act.

### 4<sup>th</sup> Cause of Action

4) Plaintiff request that his Declaration in support of Plaintiff motion for a Temporary Restraining Order and Preliminary Injunction be granted & a hearing be set as soon as practicable in accordance to pre-established court & state & federal Rules & Laws of the U.S.

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8). Prayer for relief

(5) wherefore, Plaintiff(s) request this Court grant the following relief:

Plaintiff request an order declaring that the defendants have acted in violation of the United States Constitution, and Plaintiff request that his Declaration in support of the T.R.O. & Preliminary Injunction be granted & Plaintiff request \$5. million Dollars as punitive & or compensatory Damages caused by Defendants' actions within this here complaint, and any other actions the courts deem just & proper.

I declare under penalty of perjury that the foregoing is true & correct.

Dated: June 7, 2012

Sincerely,

cc: filed / J.E. / Attorney  
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Jessie C. Enye  
Plaintiff / Pro Se.

Sworn to before me  
this ~~8th~~ 8th day of June 2012

Brent L. Rogers  
Notary Public

BRENT L. ROGERS  
Notary Public in the State of New York  
Qualified in Madison County 01RO6202020  
My Commission Expires March 9, 20 13